

1 MR. ALPERT: Your Honor --

2 JUDGE MILLER: Proceed.

3 MR. ALPERT: May I just have a preliminary matter?

4 Then I'll turn it over to Mr. Kravetz?

5 JUDGE MILLER: Oh, no. Okay.

6 MR. ALPERT: I previously identified Davis Exhibit
7 Number 6, which was the State of Ohio certificate dated
8 January 24, 1992, which is a document that's already been
9 identified for the record. I'd like to move it into evidence.

10 JUDGE MILLER: All right. Any objection, Mr.
11 Kravetz?

12 MR. KRAVETZ: It says what it says. No problem,
13 Your Honor.

14 JUDGE MILLER: All right, Shellee Davis Exhibit
15 Number 6 is received.

16 MR. ALPERT: Thank you, Your Honor.

17 (Whereupon, the document referred to
18 as Davis Exhibit No. 6 was received
19 into evidence.)

20 JUDGE MILLER: All right, we have come to -- Mr. --
21 Who leads off here? Mr. Koerner again? Go ahead, Mr.
22 Koerner.

23 MR. KRAVETZ: Your Honor, may I ask the witness to
24 identify himself?

25 JUDGE MILLER: Oh, yeah, go ahead.

1 MR. KRAVETZ: Would you identify yourself for the
2 record by your name and residence address, please?

3 WITNESS: Bernard Wilburn. Residence address is
4 1210 Highland Street, Columbus, Ohio 43210.

5 MR. KRAVETZ: And what is your date of birth?

6 WITNESS: 3/5/57.

7 JUDGE MILLER: I, I, I want the record to reflect I
8 didn't ask for that date of birth. I only ask date of births
9 of integrated stockholders.

10 MR. KRAVETZ: Oh.

11 JUDGE MILLER: Unless this was a Freudian slip,
12 Mr. Kravetz.

13 MR. KRAVETZ: No. I wasn't aware of your procedure.

14 JUDGE MILLER: No, no, no. The only people that I
15 really -- ever been really concerned about is the date of
16 birth of integrated stockholders.

17 MR. KRAVETZ: -- know how much older you were than
18 the people who are before you. You seem to be getting
19 younger.

20 JUDGE MILLER: Well, I, I suspect that --

21 MR. KRAVETZ: I don't have any other questions,
22 comments --

23 JUDGE MILLER: All right. Mr. Koerner.

24 MR. KOERNER: Thank you, Your Honor. For what it's
25 worth, I was going to ask the witness his age, anyway.

1 JUDGE MILLER: Well, that you can do.

2 MR. KOERNER: But not exact date of birth.

3 CROSS EXAMINATION

4 BY MR. KOERNER:

5 Q Mr. Wilburn, how long have you been practicing law?

6 A Since October of 1984, so that brings us onto about
7 eight-and-a-half years.

8 Q Is it a fact you are in partnership with Charles W.
9 Wilburn, your father?

10 A Yes.

11 Q Do you have the same general type of practice as
12 your father?

13 A Yes.

14 Q And what type of practice is that?

15 A It's a general practice. There are -- There's a
16 substantial portion involving probate work, wills, estates,
17 and then a smattering of domestic work, some personal injury
18 work. A general practice.

19 JUDGE MILLER: Real estate transactions?

20 WITNESS: A few.

21 JUDGE MILLER: A little bit of tax work?

22 WITNESS: Yes, a little bit -- Yes. We have -- We
23 do about probably 60 to 75 tax returns a year for steady
24 ongoing clients.

25 JUDGE MILLER: All right.

1 BY MR. KOERNER:

2 Q Mr. Wilburn, approximately how many hours a week do
3 you devote to your law practice?

4 A I'm there from Monday to Friday, 9 a.m. to about
5 4:30 p.m. Take about anywhere from half an hour to an hour
6 for lunch, so it's about what, 36 hours or so per week.

7 Q Do you make it a habit of working Saturdays or
8 Sundays?

9 A Not a habit, although if, if it's required, I --
10 occasionally I come down for Saturdays. Very rarely Sundays.

11 Q Over the past year, approximately how many Saturdays
12 have you worked?

13 A Maybe two.

14 JUDGE MILLER: I know, I know somebody that doesn't
15 have any.

16 MR. KOERNER: I'm sure we all do.

17 JUDGE MILLER: Proceed, Mr. Koerner.

18 BY MR. KOERNER:

19 Q Isn't it true that you receive one-half of the fees
20 generated by the practice?

21 A Yes, after expenses.

22 Q Would you say that you generate half of the fees
23 coming into the firm?

24 A I would say that I do about half of the work. Now,
25 whether I'm making half the rain, I don't know.

1 Q For the benefit of any reviewer who doesn't
2 understand that --

3 A Am I bringing --

4 Q -- what do you mean by making the rain?

5 A Making the rain, I mean simply bringing in that
6 business. It's -- The kind of law practice it is, it's been
7 going on for several generations. The man that my father --
8 I'm in partnership with my father, Charles Wilburn. The man
9 that he was in partnership with was a man named Weldon and
10 Weldon was second or third generation in that practice. In
11 other words, that practice started about -- just about 100
12 years ago, in 1895 I believe is as far back as we've traced
13 it. We have as clients, as a client base, successive
14 generations as well.

15 It's a small county seat, there are about 40,000
16 people in the county, and people's children come in and have
17 us do work, people's grandchildren come in and have us do
18 work. So it's, it's, it's not, it's not the, the usual large-
19 city firm situation.

20 Q What is your relation to the applicant, Wilburn
21 Industries, Inc.?

22 A I am a shareholder.

23 Q And what is your equity percentage?

24 A Fifty percent.

25 Q Up to today's date, have you supplied 50 percent of

1 the expenses of prosecution?

2 A Yes, in that the expenses have been paid out of the
3 law firm account and half of that is mine.

4 Q Is there a separate Wilburn Industries, Inc., bank
5 account?

6 A No, not to my knowledge.

7 JUDGE MILLER: The name Wilburn Industries, Inc., I
8 can understand where the Wilburn came from. Where did the
9 Industries -- Who named this corporation?

10 WITNESS: My father named this corporation. And --

11 JUDGE MILLER: The word "industries" has a different
12 connotation than the word "broadcasting." If this were
13 Wilburn Broadcasting, Inc., I could get one connotation. This
14 is Wilburn Industries. Do I get the feeling that you people
15 could go into laundromats, you could go into -- open a
16 McDonald's franchise? Is this what industries means?

17 WITNESS: I, I don't know. I think it's all going
18 to depend what happens to the pursuit of this application.
19 The corporation was started about three days before we made
20 application and this is the only project --

21 JUDGE MILLER: Project, project --

22 WITNESS: -- the corporation --

23 JUDGE MILLER: Has ever considered.

24 WITNESS: That, that's correct.

25 JUDGE MILLER: All right. Notwithstanding the name.

1 WITNESS: Notwithstanding the name.

2 JUDGE MILLER: All right. Let me ask you the same
3 question that I, I asked your father. Now, you've been called
4 as a witness, and as a lawyer, lawyer, I probably wouldn't
5 have, wouldn't have honored the request since you didn't have
6 any direct testimony if it had been 51/49. You understand the
7 difference?

8 WITNESS: Um-hum.

9 JUDGE MILLER: I mean, 50/50 and 51/49?

10 WITNESS: I understand the 51 connotes control.

11 JUDGE MILLER: That's right. And 50 does not.

12 WITNESS: That's correct.

13 JUDGE MILLER: And but you did not even consider
14 going 51 for your father and 49 for yourself since you weren't
15 -- if you weren't going to be in, involved?

16 WITNESS: Okay, I'm not quite sure I understand the
17 question.

18 JUDGE MILLER: Well, you're, you're, you're not
19 going to have anything to do with the broadcasting business.

20 WITNESS: That's right, I'm not.

21 JUDGE MILLER: You're not going to be putting on
22 anything at all?

23 WITNESS: No.

24 JUDGE MILLER: And he, he is.

25 WITNESS: That's correct. I'm going to be putting

1 out half, half, half the expenses.

2 JUDGE MILLER: That's right.

3 WITNESS: Yes.

4 JUDGE MILLER: Now, if it were 51/49, I'd say no
5 sense in calling this man to testify. It's obvious that
6 Charles Wilburn's in command.

7 WITNESS: Yes.

8 JUDGE MILLER: But that isn't the way it was. It's
9 50/50.

10 WITNESS: I have 50 percent nonvoting shares.

11 JUDGE MILLER: Yeah.

12 WITNESS: And Charles --

13 JUDGE MILLER: And you're entitled to 50 percent of
14 the profits?

15 WITNESS: And I am entitled to 50 percent of the
16 profits.

17 JUDGE MILLER: And, and although it's nonvoting, if
18 it got down to a court battle, your equity's as good as his.

19 WITNESS: It's as much as his. It does not control
20 what happens.

21 JUDGE MILLER: No.

22 WITNESS: And the reason that we set things up that
23 way was on the advice of counsel, and that was after --

24 JUDGE MILLER: Advice of communications counsel?

25 WITNESS: It was on the advice of Mr. Kravetz, yes.

1 And that was after we had -- we did -- The corporation
2 underwent a reorganization about 30 days after its initial
3 organization, and the reorganization broke down along the
4 lines of voting and nonvoting stock. We created the voting
5 and nonvoting stock at the time of reorganization. Prior to
6 that time, it was our intent to each share the load, share the
7 work, and share the control, and share the profits. In other
8 words, to do a 50/50 split all the way and in every respect.

9 However, after communicating with Mr. Kravetz, we
10 realized that the -- based on his advice, the way to go was to
11 have all of the controlling ownership working a full 40 hours
12 a week at the station.

13 JUDGE MILLER: Right.

14 WITNESS: And for that reason, we organized.

15 JUDGE MILLER: You reorganized into two tiers?

16 WITNESS: Exactly.

17 JUDGE MILLER: Okay. Proceed, Mr. Koerner.

18 MR. KOERNER: Thank you, Your Honor.

19 BY MR. KOERNER:

20 Q Okay, Mr. Wilburn, prior to the reorganization which
21 you've just been discussing, you had 50 percent voting
22 interest. Was that correct?

23 A That's correct.

24 Q And at the time the initial application was filed,
25 you had a 50 percent voting interest?

1 A Yes.

2 MR. KOERNER: Your Honor, I would like to show the
3 witness the application initially filed in this proceeding.

4 JUDGE MILLER: All right.

5 BY MR. KOERNER:

6 Q Okay, Mr. Wilburn, I'm showing you application, FCC
7 Form 301. Is this the application which you filed -- which
8 Wilburn Industries, Inc., filed in this proceeding?

9 A I believe so. I haven't looked at the whole thing,
10 but, yes, I --

11 Q Okay, if you'll look at the certification page.

12 A Yes.

13 Q Is your signature on there?

14 A Yes, it is.

15 Q All right. If I can turn your attention to Exhibit
16 4 attached to this application. Take a moment to read it.

17 A Yes.

18 Q In that exhibit, was it proposed that you would hold
19 a particular position at the station?

20 A The second paragraph reads that "Bernard Wilburn
21 intends to hold the position of assistant to the programming
22 director, helping to plan and coordinate -- and arts
23 programming."

24 Q Thank you. Now, Mr. Wilburn, let me ask you this
25 question. To whom would you be the assistant? Was there an

1 individual person?

2 A No. The, the -- What was envisioned there was a
3 position, the programming director.

4 Q Assistant to the programming director. Is that
5 correct?

6 A No, no, no. You asked me to whom I would be the
7 assistant.

8 Q Yes.

9 A I would be the assistant to the programming
10 director.

11 Q Was there any individual in mind?

12 A No.

13 Q At the time this application was filed with the
14 Commission in December of 1990, did you envision there being a
15 station manager or general manager or business manager or
16 something like that?

17 A At the time of the original filing, not
18 specifically. If you had asked me then, I suppose that I
19 would have said yes, somebody's going to have to be in, in
20 charge. Somebody's going to have to oversee the entire, the
21 entire operation.

22 Q At the time of that filing, what did you intend in
23 terms of your number of hours per week?

24 A I intended about 20 hours a week. That's it.

25 Q And was it your expectation that your father would

1 | also work approximately 20 hours a week?

2 | A Yes.

3 | JUDGE MILLER: And what was going to happen to the
4 | law firm?

5 | WITNESS: At that time, prior to reorganization, the
6 | law firm would have continued. Like I said, we worked --

7 | JUDGE MILLER: Thirty-six hours a week for you and
8 | about 36 to 40 for your dad?

9 | WITNESS: About, yes.

10 | JUDGE MILLER: Along with the 20 at the station?

11 | WITNESS: Right.

12 | JUDGE MILLER: Proceed.

13 | BY MR. KOERNER:

14 | Q Okay. Now, Mr. Wilburn, so it's your testimony then
15 | that at the time the application was filed you envisioned that
16 | somebody, some person, would be in charge of the station.

17 | Would that be on like a 40-hour-a-week basis?

18 | A Probably.

19 | Q Did you have anybody in mind?

20 | A No, I had no specific person in mind.

21 | Q Do you know Mr. Nelson Embrey?

22 | A I don't know him. I have met him on two occasions.

23 | Q Do you know who he is?

24 | A Yes.

25 | Q And what is your understanding of his background?

1 A His background is that of a broadcaster. He has
2 owned and operated for many years a station -- Or I should put
3 that in the past tense, owned and operated for many years a
4 station in Circleville called WNRE.

5 Q Is that pretty much the extent of your knowledge
6 about him?

7 A Yes. Well, except that he no longer owns or
8 operates the station. He has taken up a different career. I
9 believe he's selling insurance now.

10 Q In your opinion, would Mr. Embrey be let's just say
11 a knowledgeable broadcaster?

12 A Yes.

13 Q Mr. Wilburn, let's assume that you are successful in
14 obtaining this permit. Do you anticipate that there will be
15 some costs involved in putting the station on the air and the
16 initial operation?

17 A Yes.

18 Q And is your expectation that you would pay half of
19 those costs?

20 A Yes.

21 Q Would those costs come out of the law firm?

22 A I don't know. I would have to leave that to
23 Charles, who would be making those decisions. If we were
24 granted the license, I would assume that he would set up a
25 checking account with -- for the station.

1 Q Okay. Now, is it your expectation that the deposits
2 into the checking account would come from the law firm?

3 A Yes.

4 Q If by some chance that the station were to lose
5 money rather than make money, at least during the initial
6 phases, is it your expectation that you would have to bear
7 half of those losses?

8 A Yes.

9 Q And would any funding necessary to cover those
10 losses come out of the law firm?

11 A They would come out of our funds. Now, whether
12 those funds are in the law firm account or in our personal
13 accounts, I'm not sure that, that I make a distinction there.

14 Q Well, is it your understanding that your father
15 would continue to be part of the law firm?

16 A No.

17 Q So if he were no longer part of the law firm, would
18 that mean that 100 percent of the law firm would be yours?

19 A Yes.

20 Q So in that case, would it make any difference
21 whether it came out of your personal funds or the law firm's
22 funds?

23 A None. That's why I said I'm not making any
24 distinction.

25 Q Is it your anticipation that your father would

1 receive a salary as a station employee?

2 A Eventually, yes. I don't know that it would be
3 immediate. If we could save money and, and allow those funds
4 to be spent on other things, we might have to do that at the
5 beginning. I don't know.

6 Q If he were paid a salary, would you consider that to
7 be part of return on his portion of the investment in this
8 project?

9 A If he were paid a salary, it would be for the
10 services that he performed for the radio station, just as any
11 general manager's position would.

12 Q And who would determine what his salary would be?

13 A That would be left to Charles.

14 Q He would set his own salary?

15 A Yeah.

16 MR. KOERNER: I don't believe I have anything
17 further, Your Honor.

18 JUDGE MILLER: When you and I were talking a few
19 minutes ago, we talked about you putting in -- at one time you
20 had planned, contemplated you putting in 20 hours a week, your
21 father putting in 20 hours a week, and then you still were
22 going to carry your -- each of you were going to carry your
23 load at the law firm. Now, it didn't take you too long to
24 find out what makes a radio station run, did it? Advertising.

25 WITNESS: That's correct.

1 JUDGE MILLER: You've got to sell the advertising.
2 If you don't sell the advertising, all the wonderful music is,
3 is, is lost, right? Doesn't mean a thing. You've got to make
4 a buck. Who was going to sell the advertising?

5 WITNESS: Your question is prior to reorganization?

6 JUDGE MILLER: Yeah. Prior to reorganization. And
7 then I'm going to ask you after reorganization. I'll ask you
8 both times.

9 WITNESS: Prior to reorganization, I would assume
10 that it would be the sales staff, whoever that sales staff
11 happens to be. In other words, we would have -- I would
12 imagine -- The only way I could figure doing this would have
13 been to have hired people to come in and make the calls, make
14 the sales, sell the time, and bring the funds in to the
15 station. And after reorganization -- Do you want to go ahead
16 and ask that question or do you want to look at -- After
17 reorganization --

18 JUDGE MILLER: Oh, you're doing fine.

19 WITNESS: -- I would, I would -- that would be up to
20 Charles, but I would assume that he would do essentially the
21 same thing. But I don't know. You know, that would be
22 entirely up to him.

23 JUDGE MILLER: But you, you, you or your father
24 personally aren't going to sell advertising, are you?

25 WITNESS: No, no. I don't know what he's going to

1 do. If, if the license is granted and, and, and it's given to
2 him, he's going to be managing. I don't know whether that's
3 going to involve sales or not. I know that I will be doing
4 nothing.

5 JUDGE MILLER: All right. Mr. Alpert?

6 MR. ALPERT: No questions, Your Honor.

7 JUDGE MILLER: Mr. Yelverton?

8 MR. YELVERTON: Yes, Your Honor, I have some
9 questions.

10 CROSS EXAMINATION

11 BY MR. YELVERTON:

12 Q Has Wilburn Industries, Incorporated, which is the
13 applicant, at anytime since December 1991 had its own checking
14 account?

15 A Not that I know of.

16 Q And it's accurate to state that all funding for the
17 application has come from the checking account of the Weldon
18 and Wilburn law firm. Is that correct?

19 A All of the bills that have accrued and been paid in
20 pursuing this application have been paid out of the firm
21 account of Weldon and Wilburn.

22 Q And would it be correct to state that at such time
23 as Charles Wilburn leaves the law firm that funding for the,
24 funding for the station would still come from the law firm?

25 A To the extent that my half of expenses, my half of

1 contribution would come out of the income generated from the
2 law firm, yes.

3 Q Where would the other half come from?

4 A It would come from Charles directly, from his
5 personal funds.

6 Q Have you made any efforts to identify an attorney to
7 come in and to assist you at the law firm at such time as
8 Charles Wilburn leaves?

9 A No, I have not.

10 Q How long do you anticipate it would take to phase
11 out your father from the law firm?

12 A I would anticipate no time. You know, whatever
13 cases he still has holding on he would either turn over to me
14 --

15 JUDGE MILLER: How about his guardianships?

16 WITNESS: Well, I guess those would have to depend
17 on the probate judge and whoever he appointed as a successor
18 guardian.

19 JUDGE MILLER: You'd have to go to him, though?

20 WITNESS: You'd have to go to, you'd have to go to
21 the judge.

22 JUDGE MILLER: Before your father can be relieved of
23 those obligations?

24 WITNESS: That's true, that's true. But that's --
25 His, his, his function as guardian, though, would not, would

1 not involve necessarily his functioning as an attorney. In
2 most cases, he's actually being the guardian rather than
3 representing somebody.

4 JUDGE MILLER: How about, how about -- Can there be
5 an immediate substitution on the probate of a will?

6 WITNESS: You mean for the, the executor or the, or
7 the attorney representing the executor?

8 JUDGE MILLER: Well, the attorney representing the
9 executor or the executor himself. Either way.

10 WITNESS: Again, again, I would think that those
11 matters would be, would be left up to the probate court.
12 However, I do believe that that's not much more than a request
13 that it be done. And, of course, you know, Charles would have
14 to withdraw as --

15 JUDGE MILLER: Well, all I'm, all I'm addressing
16 really -- no time at all. It's not quite that simple, is it?

17 WITNESS: No, it is not. It is not. There, there
18 would be, there would be a little bit of time and --

19 JUDGE MILLER: On certain items, on certain items.

20 WITNESS: Yes, yes. But I don't think that it would
21 be in any way -- I don't think it would impede with my being
22 able to, to take over or with Charles being able to fulfill
23 his duties at the radio station.

24 JUDGE MILLER: All right.

25 BY MR. YELVERTON:

1 Q There came a time after you initially filed the
2 application in December 1991 that you went to the public
3 library and looked in the public files at some of the
4 competing applications and reviewed their EEO program?

5 A Yes.

6 Q Do you recall when that was?

7 A It was in the month between the time of organizing
8 and the time of reorganizing. In other words, the month of
9 essentially January 1992.

10 Q Okay.

11 A And I don't know exactly what date.

12 Q Okay. After January 1992, did you do any other
13 follow-up work in regard to the Wilburn application?

14 A No.

15 Q Specifically, did you check on the public files of
16 any of the competing applications after January '92?

17 A No.

18 MR. YELVERTON: I have no further questions, Your
19 Honor.

20 MR. KRAVETZ: No redirect, Your Honor.

21 JUDGE MILLER: No redirect? If there's no redirect,
22 there's no recross and, Bernard Wilburn, you're excused and
23 thank you for testifying.

24 WITNESS: Thank you.

25 JUDGE MILLER: And we'll -- before we move to our

1 next witness, which will be Shellee Davis, right?

2 MR. ALPERT: That's correct, Your Honor.

3 JUDGE MILLER: Well, we'll take a little 10-minute
4 recess.

5 MR. KOERNER: Thank you, Your Honor.

6 (Whereupon, a brief recess was taken.)

7 JUDGE MILLER: Have you completed your portion of
8 your direct case, Mr. -- your direct case, Mr. Kravetz?

9 MR. KRAVETZ: Yes, I have, Your Honor.

10 JUDGE MILLER: All right. Now we come to you,
11 Mr. Alpert.

12 MR. ALPERT: Thank you, Your Honor. Ms. Davis.

13 JUDGE MILLER: Call to the stand Shellee Davis?

14 MR. ALPERT: Yes, sir.

15 JUDGE MILLER: All right. Raise your right hand.
16 Whereupon,

17 MS. SHELLEE F. DAVIS

18 having first been duly sworn, was called as a witness herein
19 and was examined and testified as follows:

20 DIRECT EXAMINATION

21 BY MR. ALPERT:

22 Q Okay, Ms. Davis, do you have a copy before you of a
23 document entitled "Direct -- of Shellee F. Davis"?

24 A Yes, I do.

25 Q Okay. Are you familiar with Exhibit Number 1 and

1 the attachments thereto?

2 A Yes, I do. Yes, I am.

3 Q And are you familiar with Exhibit Number 2 and the
4 -- This is a one-page document --

5 A Yes, I am.

6 Q And do both those exhibits refer to your testimony
7 in this proceeding?

8 A Yes, sir.

9 Q A couple of preliminary questions, also. Would you
10 please state your age, your birth date, and your residence
11 address at the current time?

12 A I am 37 years old. My birth date is April 8th,
13 1956. And my current address is 463 Jessing Trail,
14 Worthington, Ohio 43235.

15 MR. ALPERT: With that, Your Honor, I turn the
16 witness over for cross examination.

17 JUDGE MILLER: All right. Mr. Kravetz, who's
18 leading?

19 MR. KRAVETZ: I guess I am, Your Honor, which will
20 explain why I'm never again going to be absent from an
21 admission session.

22 CROSS EXAMINATION

23 BY MR. KRAVETZ:

24 Q Ms. Davis, my name is Eric Kravetz. I represent
25 Wilburn Industries, Inc., and we've met a couple of times

1 already, at your deposition, at the settlement conference,
2 those type of things. Are you currently employed?

3 A Yes.

4 Q And what is your employer's name?

5 A I am president and owner of Britt Business Systems,
6 Incorporated.

7 Q Okay. And that's a -- You own that 100 percent?

8 A Yes, sir.

9 Q And you personally manage that company?

10 A Yes, I do.

11 JUDGE MILLER: How long have you, how long have you
12 owned it?

13 WITNESS: Five-and-a-half years, since 1988,
14 January.

15 JUDGE MILLER: And you've, you've been the manager
16 all those five-and-a-half years?

17 WITNESS: Yes, sir.

18 JUDGE MILLER: All right.

19 JUDGE MILLER: And would it be fair to state that
20 you bought this business from -- turned a corner, made it
21 profitable and, and seen it grow?

22 WITNESS: Yes, sir.

23 JUDGE MILLER: Proceed, Mr. Kravetz.

24 BY MR. KRAVETZ:

25 Q In fact, in turning that corner, am I correct in

1 stating that in 1991 your gross revenues were approximately
2 \$1.2 million?

3 A Yes, sir.

4 Q And by 1992 your gross revenues were approximately
5 \$1.4 million?

6 A Yes.

7 Q And do you attribute the ongoing success of your
8 company due to your personal involvement?

9 A In part, yes.

10 JUDGE MILLER: You're a hands-on manager?

11 WITNESS: Yes, I am.

12 BY MR. KRAVETZ:

13 Q Well, this is a -- this -- What does this company
14 do?

15 A I'm sorry?

16 Q What does, what does Britt Business Systems do?

17 A Britt Business Systems is an office equipment lease
18 dealer. We're a Panasonic and Xerox dealer.

19 Q So, basically, it's a sales organization?

20 A Yes.

21 Q And is it your opinion that the success of your
22 company is due to sales based on your personal contacts?

23 A Not all. I think I help out.

24 Q Most? How many employees does the company have?

25 A I have nine right now.

1 Q And how many are sales people?

2 A Three full-time sales people, plus I still have
3 house accounts.

4 Q So you also do sales?

5 A Yes. I basically take orders now on those house
6 accounts.

7 Q Well, let me -- your exchange --

8 JUDGE MILLER: What in heaven's name is a house
9 account?

10 WITNESS: A house account is the account that the
11 owner or the manager handles, which means the sales rep
12 doesn't get paid commission on, on that particular account
13 when the sales come in.

14 JUDGE MILLER: And, and why, why is that? Why is it
15 that the, the, the sales rep doesn't get the money and the,
16 and the, and the house does?

17 WITNESS: Well, basically, those accounts I have
18 nurtured from day one and all they do now is call up and
19 order, or I may have to call them and ask if they want anymore
20 equipment and they order. But what --

21 JUDGE MILLER: You struck the original sale?

22 WITNESS: Yes.

23 JUDGE MILLER: And, as a consequence, what you have
24 now is just a reorder or --

25 WITNESS: Repeat.